(36)

HIGH COURT OF CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI JAGDISH BHALLA, Ag. CJ

W.P. (C) No.5087 of 2007

PETITIONER Thaman Lal Sahu, aged about 37 years, S/o Shri Loku Ram Sahu, at present working as a Sarpanch, Gram Panchayat Auri, Tahsil Dondi Lohara, District Durg (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through the Secretary, Department of Panchayat and Rural Development, D.K.S. Building, Raipur (C.G.)
2. The Additional Collector, Durg, District Durg (C.G.)
3. Sub Divisional Officer, (Revenue), Daondi Lohara District Durg (C.G.)

Writ Petition under Article 227 of the Constitution of India.

Present: Shri Vishnu Koshta, counsel for the petitioner.
Shri U.N.S. Deo, Govt. Advocate for the State.

ORAL ORDER
(Passed on 22nd August, 2007)

The petitioner undertakes to appear before the Sub Divisional Officer who has issued warrant of arrest against him. It has been contended that issuance of warrant of arrest is without jurisdiction in the light of Section 92 (3) (a) (b) of the Panchayat Raj Adhiniyam, 1992. It has been further pointed out that search warrant can be issued but warrant of arrest cannot be issued by the Sub Divisional Officer. Since the petitioner is ready to appear before the Sub Divisional Officer, warrant of arrest issued by the Sub Divisional Officer shall remain in abeyance. Let the petitioner appear before the S.D.O. on 3rd September, 2007 along with the response and record. If he fails to appear in person on the date fixed, the protection granted to him shall not be available.

With the aforesaid observations, the petition stands disposed of.

Sd/-
Jagdish Bhalla
Ag. Chief Justice